

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JONATHAN JASON RODRIGUEZ,

Plaintiff,

v.

E. ANDERSON, et al.,

Defendants.

Case No. 2:20-cv-01914-AR

ORDER

Jonathan Jason Rodriguez, 17349747, Oregon State Correctional Institution, 3405 Deer Park Drive SE, Salem, OR 97310-9385. Self-Represented Plaintiff.

Michael R. Washington, Oregon Department of Justice, Trial Division, 1162 Court Street NE, Salem, OR 97301. Attorney for Defendants.

IMMERGUT, District Judge.

On October 3, 2022, Magistrate Judge Jeffrey Armistead issued his Findings and Recommendation (“F&R”). ECF 47. The F&R recommends that this Court deny Defendants’ Motion for Summary Judgment, ECF 32, because Plaintiff’s claims are not barred by the statute of limitations. No party filed objections. For the following reasons, this Court ADOPTS Judge Armistead’s F&R in full.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*,” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

No party having filed objections, this Court has reviewed the F&R and accepts Judge Armistead’s conclusions. The F&R, ECF 47, is adopted in full. This Court DENIES Defendants’ Motion for Summary Judgment. ECF 32.

IT IS SO ORDERED.

DATED this 28th day of October, 2022.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge